

[To the Committee is referred the petition of the Mayor and Commonalty of Philadelphia in Common Council assembled] Setting forth the Defenceless state of the said City and Province and that the Proprietors and Lieutenant Governor and very many of the Inhabitants have frequently applied to the Assembly to put the Province and this City into some posture of Defence but they have constantly refused to do the same declaring that all Warlike preparations are against their Religious principles and therefore praying that His Majesty will take their deplorable Condition into Consideration and to afford them such relief as in His Royal Wisdom shall be thought fit.

[IX. p. 658.]

1742.  
(1745.)  
7 Feb.

[533.] [Reference to the Committee of two memorials from the Admiralty] one of which Sets forth that the Commissioners of the Victualling have represented to them Notwithstanding His Majestys Order in Council of the 24th of December 1740 for the free Importation of all Sorts of Provisions for the use of the Fleet and Forces at Jamaica the Custom House Officers there distress His Majestys Service by all possible Methods and particularly one Archibald Bontein Deputy Naval Officer there Seized the Ship Kings Meadow Laden with Wines for the use of the Fleet and got her Condemned in the Vice Admiralty Court notwithstanding the aforesaid Order of Council directing all sorts of Provisions to be entered there freely for the use of the Fleet even altho' prohibited: And the other Memorial sets forth that an Action was going to be lodged against the Agents of the Victualling for detaining the said Wines and refusing to give the Deputy Naval Officer a Receipt for them and that as no regard is had at Jamaica to His Majestys Order of Council for the free Importation of the said Wines and that nothing less than an Act of Parliament wind bind them in that Particular The said Lords Commissioners Submit it to His Majestys Pleasure whether such Act of Parliament shall be applied for or whether a Noli Prosequi shall be sent to Stop the present Proceedings.

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[pp. 72-3.]

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2 Feb. [Reference also of an address from the Council and Assembly of Barbados containing reasons against carrying into execution that part of the Order which relates to the free importation of rum for the forces.] [pp. 72-3.]

19 Feb. [Committee. The two Admiralty memorials read.] And the Lords of the Committee being of Opinion that the same are not proper for the Consideration of the Council therefore Ordered them to be returned to the Duke of Newcastles office from whence the said Papers came. [p. 91.]

15 Sept. [Reference to the Committee of the petition and appeal] of Captain Thomas Mansfield in behalf of himself as Master or Commander of the Ship or Vessel called the Kings Meadow and in behalf of George Fitzgerald of London Merchant and other Owners thereof against Mathew Concanen His Majestys Advocate General of the Island of Jamaica and Thomas Bontein Naval Officer there from a Sentence past by the Judge of the Vice Admiralty Court in the said Island of Jamaica on the 23d of September 1741 whereby it was adjudged that the said Ship with her Guns Tackle Furniture Ammunition and Apparel and the Goods Wares and Merchandizes in her Imported into that Island should be forfeited as for breach of the Statute of the 7th and 8th William 3d and other Statutes relating to Trade and Navigation. [p. 263.]

24 Nov. [Committee. The petition sets forth that the *King's Meadow* took on board at Teneriffe a cargo of wines for the use of the fleet in the West Indies, but being chased by a Spanish privateer was forced to throw overboard all her English papers. On her arrival at Jamaica she was seized and condemned as not English-built or manned. The Committee recommend that the appeal be admitted on 200l. security being given.] [pp. 248-9.]

16 Dec. [Order accordingly.] [p. 276.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 715	1742.
[Security given by George FitzGerald and James Hayden of London, merchants.]	(1743.) 15 Jan.
	[p. 277.] (1744.)
[Committee order case to be heard in September.]	31 Jan.
	[pp. 310-11.] (1744.)
[Reference to the Committee of the appeal of John Gray and Benjamin Maynard, merchants of Port Royal, against Thomas Bontein, Naval Officer of Jamaica, from a judgment of the Court of Errors of 6 May, 1743, affirming a judgment of the Supreme Court, assigning 5,380 <i>l.</i> to be divided equally between his Majesty, Governor Trelawny, and Bontein, and also assigning to Bontein 3 <i>l.</i> 13 <i>s.</i> 6 <i>d.</i> as costs.]	2 Feb
	[IX. p. 169.] (1745.)
[Mansfield being dead, his appeal is revived in favour of Katherine Mansfield, his widow.]	23 May.
	[X. p. 109.] (1748.)
[The Committee on hearing the revived appeal] thought proper to confine the Counsel to Speak to the Point of Jurisdiction and they having been heard thereupon Their Lordships determined to enter into the Merits of the said Appeals at another Meeting but without prejudice to the point upon the Jurisdiction of the Court of Admiralty.	12 May.
	[XII. p. 18.] (1748.)
[The case heard on its merits, and the hearing adjourned.]	21 June.
	[XII. p. 33.] (1748.)
[Committee. The petition sets forth] amongst other things That George Fitzgerald and James Egan of London Merchants Owners of the Ship Kings Meadow formerly called the Cork Galley in February 1740 Chartered the said Ship at London to the Commissioners for Victualling His Majestys Navy to proceed to Teneriff to take in a Loading of Wines, which the said Commissioners had Contracted with William Reynolds of London Merchant for the Use of His Majestys Fleet in the West Indies and proceed therewith to Jamaica and deliver the same to the Order of the Admiral or Commander of His Majestys Fleet or to Mr. Gray and Mr. Maynard the Agent	12 July.

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Victuallers there, And the said Ship soon after set Sail on the said Voyage and to facilitate the same and for a Blind to the Enemy from whose Territorys the said Wines were to be procured and to prevent a Discovery a Dutch pass was procured for the said Ship under the Disguised Name of the Young Catherine and Eleven Dutch Sailors were also provided the remaining Four including the Master being Englishmen, the said Ship being Navigated with Fifteen Men in the whole including the Master And the said Ship afterwards Arriving at Teneriff and having taken in a Loading of Wines there, the said Ship proceeded with the said Wines pursuant to the Charter Party for Jamaica And in the Voyage aforesaid the said Ship falling in with a Spanish Privateer the Captain of the Kings Meadow threw overboard all his English papers and amongst which was the Register of the said Ship and Plantation Certificate a Mediterranean Pass from the Admiralty of Great Britain and an Act of Parliament passed at the breaking out of the present War with Spain permitting Merchants to Navigate their Ships with three Fourths Foreign Seamen. [The Committee recommend that the sentence be reversed] and that the Respondent should restore the said Ship and her Cargo or the Value thereof if Sold or otherwise disposed of And as their Lordships are of this Opinion with regard to the Merits of this Appeale they conceive it unnecessary to give any upon the point of Jurisdiction. [XII. pp. 62-4.]

(1748.)

4 Aug.

[Order accordingly.]

[XII. p. 75.]

(1748.)

5 Dec.

[Committee. The petitioners Gray and Maynard were contractors for shipping the wine. After the condemnation in the Vice-Admiralty Court, Bontein, on the last Tuesday in August, 1742, brought an action in the Supreme Court of Jamaica] wherein he declared in Trover as well for Your Majesty and Edward Trelawny Esqr. Governor of the said Island of Jamaica as for himself against the Petitioners for Recovery of the Value for Damages for the said Wines. [The

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petitioners put in a demurrer, but judgment was given against them, and the damages assessed by a jury at 5,380*l.*, to be equally divided between the King, the Governor, and Bontein. On the petitioners bringing a writ of error, the judgment was on 6 May, 1743, confirmed. The Committee, considering that the sentence of the Vice Admiralty Court had been reversed by the Order in Council of 4 August last report that the judgments of the Court of Errors and the Supreme Court be both set aside] And that the Petitioner Gray (the other Petitioner Maynard being dead and the said Gray having him survived) may be at liberty to apply to the said Supreme Court of Judicature in Jamaica to withdraw the said Demurrer and plead to the Merits of the Case the General Issue not Guilty, and that upon the said Supreme Courts being moved for that purpose such Court shall permit the said Petitioner Gray so to do, upon payment of the Costs of Suit given on both the said Judgments of the said Supreme Court of Judicature and of the said Court of Errors in Jamaica, And if upon the said Petitioner Grays pleading the General Issue the Cause shall be carried on to a Tryal the said Supreme Court of Judicature at the Request of either of the Partys shall direct the Matters to be found specially at such Trial in Order that the Merits of the Case may come properly in Judgment before a Court of Errors in Case either party shall be advised to bring a Writ of Error thereon.

[XII. pp. 123-5.]

(1749.)

[Order accordingly.]

[XII. p. 137.]

11 Jan.

[534.] [Reference to the Committee of the appeal] of Dennis Kelly Esqr. Chief Justice of His Majestys Courts of Kings Bench and Common Pleas in Jamaica Executor of the last Will and Testament of Darcy Kelly late of the said Island of Jamaica Esqr. Deceased from a Decree made in the Court of Chancery of that Island on the 17th of February 1740 whereby a Bill brought by the Petitioner to Compell Ann Norris Executrix to Joseph Brice (which Bill was upon the Death of the said Ann Norris revived against John Lewis

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